

Condensed NEPA Procedures

101.3 Overall Procedures

(a) The Trust achieves comprehensive management of the Preserve by adopting strategic guidance and selecting and implementing appropriate stewardship actions. It is the intent of the Trust to maintain open and collaborative working relationships among all interested and affected citizens, Tribal governments, federal and state agencies, and others during the consideration, implementation, and monitoring of all stewardship actions. Information regarding stewardship actions is recorded within stewardship registers that are available to the public in accordance with applicable law.

(b) The Responsible Official may propose a stewardship action only if it is consistent with strategic guidance and is accompanied by a clear statement of its purpose and need.

(c) Based on the known or suspected outcomes of a stewardship action, or for other reasons, the Responsible Official may prepare an environmental document to improve understanding and to assist in making an implementing decision. The outcomes of implemented stewardship actions are monitored to aid future choices, consistent with the adaptive management.

(d) The Trust must prepare the State of the Preserve at least once every five years after August 2, 2002. The State of the Preserve provides a technical and scientific basis for the comprehensive management of the Preserve and aids the consideration of goals within strategic guidance that may be adopted by the Board of Trustees

(e) The on-going review of monitored outcomes, public dialog, and the interpretation of evolving natural and social environments aids the Trust and others in the consideration of the purpose and need for necessary and appropriate stewardship actions within the Preserve. The overall procedures are intended to efficiently and effectively achieve the goals of the Trust and NEPA and eliminate unnecessary or redundant paperwork.

101.4 Proposing a Stewardship Action and Following its Progress

(a) When a stewardship action is proposed and its purpose and need is described by the Responsible Official and authorized for continued consideration by the Board of Trustees, the stewardship register (Exhibit I) will be made available to the public through appropriate media as soon as practicable and throughout the process, leading either to termination of the proposal or to an implementing decision. The stewardship register will also, as relevant, contain information regarding completion of the stewardship action and monitoring of one or more outcomes.

(b) The public and government officials are provided many opportunities to review the activities of the Trust. The Responsible Official will request public review and comment on a proposed stewardship action, its purpose and need, alternatives, and/or anticipated outcomes as described in 101.7. If

comments are requested and received within the dates specified, the Responsible Official must consider the comments before making an implementing decision.

(c) As information in the stewardship register is amended, the date and nature of the change to the stewardship register and name of the person transcribing the amended information must be recorded to provide an accurate record. The Trust may prepare and use documents or appropriate electronic media depicting administrative operations to aid the planning, execution, and record keeping of stewardship actions or for other purposes.

(d) To further the purposes of the Trust and NEPA, the Executive Director of the Trust is responsible for overall review of agency NEPA compliance and preparation of any necessary environmental documents.

101.5 Environmental Evaluation and Documentation

(a) An environmental document must be prepared and considered before the Responsible Official can make an implementing decision unless a stewardship action is within a categorical exclusion listed in 101.6.

(b) The Responsible Official, in the absence of extraordinary circumstances, may make an implementing decision without the preparation of an environmental document for those stewardship actions that do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect.

101.51 Environmental Impact Statement

(a) The Responsible Official must prepare and consider an environmental impact statement as described in 40 CFR 1502 if the outcome of a proposed stewardship action may create a significant impact on the human environment or it is otherwise desirable.

(b) An implementing decision for one or more stewardship actions under review in an environmental impact statement must be documented in a record of decision. Except for special circumstances described in CEQ regulations at 40 CFR 1502.9(c), 1506.10(d), and 1506.11, a record of decision cannot be signed by the Responsible Official until 30 days after the final environmental impact statement is made available to the public by the Environmental Protection Agency. The final environmental impact statement and record of decision, if completed, is integrated with one or more appropriate stewardship registers.

(c) An environmental impact statement is normally required for the following implementing decisions:

(1) One or more stewardship actions that may be significant as described in 40 CFR 1508.27.

Examples include, but are not limited to, long-term programs or plans for: Management of livestock grazing, transportation, management of forests and harvest of forest-related products, and management of public recreation.

(2) Construction and operation of a visitor center with associated public access to the Preserve.

101.52 Environmental Assessment

(a) An environmental assessment is prepared by the Responsible Official to aid in determining whether to prepare an environmental impact statement, to prepare a finding of no significant impact, to otherwise aid compliance with NEPA, or to facilitate preparation of an environmental impact statement when one is necessary.

(b) The environmental assessment of one or more stewardship actions is combined with one or more relevant stewardship registers to create a concise document or set of documents that describe one or more stewardship actions and alternatives that meet the identified purpose and need. The environmental analysis of the proposed stewardship action and alternatives is integrated with one or more stewardship registers (40 CFR 1506.4).

(c) The purpose of the integrated information is to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal, which involves unresolved conflicts concerning alternative uses of available resources.

(d) The combined document includes a brief discussion of the purpose and need for the proposal, of alternatives, of the environmental impacts of the proposal and alternatives, and a listing of agencies and persons consulted.

(e) The following stewardship actions within the Preserve and authorized by the Responsible Official in an implementing decision are normally accompanied by an environmental assessment:

(1) Establishing or substantively revising a program or policy for the permitting of seasonal or short-term backcountry recreation or special use actions which could potentially create minor ground disturbance;

(2) Establishing an integrated program of scientific investigations utilizing land, resources, and facilities of the Preserve where the effects of performing the investigations within the Preserve are anticipated to be short-term and minor in scope;

(3) Livestock management actions utilizing land, resources, and facilities of the Preserve, defined in location and time, the effects of which are anticipated to be short-term and minor in scope.

(4) Forest treatments, which may include the removal of trees or managed fire, designed to establish or enhance stand characteristic trends toward or into an historic range of variability affecting a clearly defined segment of the forested land or a specified forest type within the Preserve; and

(5) Reconstruction, repair, and use of roadways and trails, and construction of minor trail segments within the Preserve which are not anticipated to significantly alter the magnitude and frequency of anticipated use.

101.53 Finding of No Significant Impact

(a) If, based on the information in the combined document (101.52(d)), the Responsible Official determines that the environmental consequences of the proposal will not have a significant effect on the human environment, the finding and reasons for it must be stated in a finding of no significant impact (FONSI).

(b) A FONSI is combined with the stewardship register and environmental assessment. If such a finding cannot be made, or it is otherwise desirable, the Responsible Official may cancel, modify, or postpone the proposal while additional information is made available, or issue a notice of intent that an environmental impact statement will be prepared and considered.

(c) The FONSI itself need not be detailed, but must succinctly state the reason for deciding that the action will have no significant environmental effects, and, if relevant, must show which factors were weighted most heavily in the determination. In addition to this statement, the FONSI must include or attach and incorporate by reference, the environmental assessment.

(d) The Responsible Official may seek public review of a FONSI before making an implementing decision. In some circumstances, the Responsible Official must make the FONSI available for public review (including state and area-wide clearinghouses) for 30 days before the Responsible Official makes a final determination whether to prepare an environmental impact statement and before the action may begin. The circumstances are:

- (1) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement under the Trust's procedures; or
- (2) The nature of the proposed action is one without precedent.

(e) The Responsible Official must use the factors of "significantly" as described in 40 CFR 1508.27 for the determination that a proposal will have no significant impact on the human environment.

101.6 Categorical Exclusions

(a) In the absence of extraordinary circumstances, the Responsible Official may undertake the stewardship actions in (c) without preparation of an environmental document.

(b) Extraordinary circumstances include, but are not limited to: Scientific controversy; high level of public interest; extreme weather or climatic conditions; or the potential for effects on environmental resources of critical concern such as cultural resource sites and habitat for candidate, endangered, or threatened species.

(c) In the absence of extraordinary circumstances, the following stewardship actions may be undertaken, provided that no more than 1320 feet of road or trail construction is required to implement the stewardship action:

- (1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational change, record management, internal communication, financial management, or similar administrative functions;
- (2) Procurement of equipment and supplies consistent with federal environmental policies and direction;
- (3) Closures or other orders issued for durations of less than one year to provide resource protection or to protect public health and safety;
- (4) Location and maintenance of landline boundaries and geographic sites;
- (5) Routine repair and maintenance of facilities and administrative sites including, but not limited to, buildings, fences, water systems, roads, trails, signs, and ancillary facilities associated with the administration and management of the Preserve, or the installation, and routine repair and maintenance of removable communication facilities of not more than 250 square feet, the primary purpose of which is to facilitate communication associated with the administration and management of the Preserve;
- (6) Use and care for horses or other stock for administrative purposes that is clearly limited in context and intensity;
- (7) Repair and maintenance of recreation sites;
- (8) Reconstruction or maintenance of utilities within a designated corridor;
- (9) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;
- (10) Implementation or modification of minor management practices such as the placement of salt blocks, temporary fencing, and the placement of temporary water tanks to improve range conditions and/or animal distribution;
- (11) Treatment of forest structure and fuel conditions for the purpose of reducing the hazard of large, stand replacing crown fires in areas where such high severity fires are outside an historic range of variability. Projects under this category are limited to an aggregate area in the Preserve of no more than 640 acres in a calendar year, and may involve prescribed fire and/or the removal of live trees, the diameter of which will be: (A) No larger than nine inches at breast height; or (B) Determined by publicly available site-specific size class information used to define an appropriate diameter and basal area distribution of trees to be removed;
- (12) Removal of brush or hazard trees near roads or buildings, where such action is necessary to protect historic structures or the health and safety of the public and/or employees, and when such action is clearly limited in context and intensity; and

(13) Authorizing seasonal or short-term backcountry recreation or special use actions such as: Day-use hiking; wildlife observation; educational field trips; and other small group activities.

101.7 Public Involvement

(a) Opportunities for the public to provide input and maintain a dialogue with the Trust regarding a proposed stewardship action may be triggered by a combination of notice through appropriate media, public meetings, targeted outreach, agency consultation, scoping, and public review of relevant documents.

(b) In the preparation of a stewardship register, the Trust will identify the appropriate stages during the process leading up to a decision, and if the decision is to go forward with an action, the implementation of that decision, where specific forms of public review and input will be most useful and informative to the Responsible Official. (1) For stewardship actions involving natural and cultural resources of the Preserve, the Responsible Official will notify the public that the stewardship action is being proposed, and that a stewardship register is available for review. (2) The Trust will take into account public input received at this stage of the proposal to help determine the appropriate goals, objectives, and performance requirements that will guide further development of the proposed stewardship action.

(c) The public's reaction to a proposed stewardship action will be taken fully into account in planning for the appropriate level of public involvement throughout the decision-making process. The public's reaction will also help determine the extent to which the Trust develops alternatives to the proposed action.

(d) All proposed stewardship actions involving the management of the lands, resources, and facilities of the Preserve will require authorization by the Board of Trustees at a public meeting, during which public comments will be considered and recorded.

(e) The Trust will provide a reasonable time period for public review and comment on an environmental assessment based on the complexity and nature of the proposed stewardship action and public comment received.

(f) If the Responsible Official determines that an emergency circumstance exists requiring immediate implementation of a proposal, the Chair of the Board of Trustees may reduce or eliminate the time period for public review and comment on an environmental assessment. If the Responsible Official proposes to respond to an emergency with an action that would normally require preparation of an environmental impact statement, the Chair of the Board of Trustees will immediately contact the Council on Environmental Quality to invoke the procedures under 40 CFR 1506.11.

101.8 Making and Recording an Implementing Decision

(a) The Responsible Official may make an implementing decision to authorize a stewardship action after completion of 101.5, if and only if: (1) The available information regarding the purpose and need for the proposal and the anticipated outcomes are suitable; and (2) At least one monitored outcome is identified in the stewardship register.

(b) The implementing decision must be recorded in the stewardship register by signature of the Responsible Official and dated.

(c) After an implementing decision for one or more stewardship actions is made, minor corrections or adjustments to the stewardship action to improve efficiency, correct minor errors, or otherwise improve performance may be made by the responsible Trust staff, if and only if: (1) The corrections or adjustments do not significantly alter the nature or extent of the stewardship action or its goals, objectives, or performance requirements; (2) The anticipated consequences of the stewardship action remain essentially the same as those described in the relevant environmental documents; and (3) Such minor corrections or adjustments are recorded in the appropriate stewardship register as described in 101.4(c).

101.9 Monitoring Outcomes and Considering New Information

(a) The Responsible Official must evaluate each monitored outcome identified in the stewardship register. As information from monitoring is obtained and interpreted, conclusions are to be recorded in the appropriate stewardship register by the responsible Trust staff.

(b) If, based on monitoring conclusions or other new information available to the Responsible Official, the observed outcomes of stewardship actions described in one or more stewardship registers as amended differ significantly from those anticipated or if new information has a meaningful bearing on the anticipated consequences of one or more stewardship actions, the Responsible Official must consider such information and: (1) Consider the preparation or supplementation of an environmental document as described in 101.5 and CEQ regulations; (2) If appropriate, propose a stewardship action and/or continue, modify, or terminate one or more stewardship actions as described in 101.4; and (3) Appropriately, amend the stewardship register to incorporate the new information and/or change to the stewardship action or description of consequences in the relevant environmental document.

101.10 The Comprehensive Management of the Preserve

(a) The comprehensive management of the lands, resources, and facilities of the Preserve includes all stewardship registers, the State of the Preserve, and the strategic guidance adopted by the Board of Trustees. These documents depict the management of the Preserve and provide timely references for interested citizens.

(b) At least once every five years after August 2, 2002, the Board of Trustees must review the goals adopted in strategic guidance and the State of the Preserve. Based on the reviews of the goals and the State of the Preserve, the Board of Trustees may remove, amend, or continue the goals of the Preserve, and/or adopt one or more additional goals.

(c) The Board of Trustees may remove, amend, and/or adopt one or more additional goals only after completing reviews of the goals adopted in strategic guidance and a current State of the Preserve.

Exhibit I— Stewardship Register

Descriptive name of Stewardship File Number:

Target Start Date:

Actual Start Date:

Target Completion Date:

Actual Completion Date:

Location: Identify the location of the stewardship action in the Preserve in a readily accessible and understandable form.

Purpose and Need: Concisely explain why the stewardship action is proposed and the goal(s) sought.

Description: Describe the stewardship action and, through appropriate media, describe the related physical, biological, social, and/or economic environment.

Objective: Describe the desired outcome of the stewardship action in measurable terms including, but not limited to, anticipated quantity, location, and timing.

Performance Requirements: List the performance requirements needed to guide or limit resource use in accomplishment of the objective. A checklist may be used. Integrate the environmental document or, if a categorical exclusion is used, cite the category.

Agencies and Persons Consulted:

Signature of Responsible Official:

Date Authorized:

Monitored Outcomes: List one or more outcomes that will be meaningfully evaluated after implementation of the stewardship action. Describe the nature, size, and location of each monitored outcome anticipated to occur in the short-, mid-, and/or long-term.

Evaluation of Monitoring Information: As information from monitoring is evaluated, describe conclusions and any new information as guided by 101.7(b).